

WHAT IS CLAIMED IS:

1. A process for developing real estate, comprising the steps of: separating private easements for the provision of common services in a developed community from dedicated public rights-of-way; establishing decision making authority regarding control over said private easements in a privately owned entity to identify and contract with various service providers; precluding access to said private easements by governmental franchisees for providing common services; and providing common services to said developed community through a single source, said single source obtaining common services from one or more common services providers.
2. A process by a developer entity for establishing in a privately owned access entity the beneficial and exclusive ownership of and control over access to common services easements within a developed community, comprising the steps of: acquiring fee simple ownership in a parcel of real estate for developing into a community; transferring exclusive rights in and to common services easements within said parcel to said access entity; and dedicating public rights-of-way for roadways, curbs, and sidewalks to a municipality, said dedicated public rights-of-way being taken by said municipality subject to said exclusive rights, whereby said municipality has no control over common services access as a result of said dedicated public rights-of-way, and whereby common services providers having acquired rights

through said municipality have no access to said community through said dedicated public rights-of-way.

3. The process of Claim 2 wherein said exclusive rights comprise an in gross easement and specific area easements.

4. The process of Claim 2 wherein said exclusive rights comprise specific area easements, and wherein any other easements for providing common services within said developed community are restricted by declarations, covenants and restrictions governing and running with said parcel of real estate.

5. The process of Claim 2 wherein said developer entity and said access entity are separate entities.

6. The process of Claim 2 wherein said exclusive rights transferred by developer entity to said access entity include the right to establish infrastructure for common services on both commonly owned and privately owned areas within said community.

7. The process of Claim 2 wherein said exclusive rights transferred by developer entity to said access entity include the rights to contract with providers of common services for providing services to said community.

8. The process of Claim 2 further comprising the step of recording said transferring of said exclusive rights with an appropriate governmental real estate records office, whereby said common services easements appear within the chain of title of said parcel before said dedication of said public rights-of-way.

9. The process of Claim 2 wherein said common services comprise one or more services selected from the group of services consisting of: cable services, internet services, intranet services, local telephone services, long distance telephone services, video-on-demand services, and security monitoring services.

10. The process of Claim 2 wherein said common services comprise one or more services selected from a group of deregulated utility services consisting of: sewer services, water services, gas services, and electricity services.

11. The process of Claim 2 wherein each step is performed pursuant to obligations arising out of a system of interrelated contractual requirements regarding the development of said community.

12. A process for obtaining a license for access to private common services easements on a parcel of real estate, which comprises the steps of: assisting a real estate developer in establishing private ownership and control of common services easements within said parcel of real estate to be developed into a community; and implementing a fee structure that encourages the owner of said private common services easements to enter into and maintain license arrangements that permit at least one licensee to utilize said private common services easements for providing common services to said community; said fee structure providing a competitive shield for establishing said licensees as single sources of common services for said community.

13. The process of Claim 12 wherein said owner of said private common services easements is a private access entity.

14. The process of Claim 13 wherein said establishing step comprises the steps of: acquiring fee simple ownership in a parcel of real estate for developing into a community; transferring exclusive rights of common services easements in said parcel to said access entity; and dedicating public rights-of-way for roadways, curbs, and sidewalks to a municipality, said dedicated public rights-of-way being taken by said municipality subject to said exclusive rights, whereby said municipality has no control over common services access as a result of said dedicated public rights-of-way, and whereby common services providers having acquired rights through said municipality have no access to said community through said dedicated public rights-of-way.

15. The process of Claim 14 wherein said common services comprise advanced bundled services.

16. The process of Claim 14 wherein said common services comprise premium advanced bundled services.

17. The process of Claim 14 wherein said competitive shield comprises minimum access fee amounts and most favored nations status whereby said private access entity may grant licenses to other common service providers in the event said fee structure is equaled or bettered by any other common service provider.

18. The process of Claim 17 wherein said competitive shield additionally comprises a reduction in said access fee amounts when said common services comprise advanced bundled services, said reduction being relative to aggregate amounts of individualized access fees for individual services included in said common services.

19. The process of Claim 14 wherein said license permits said licensee to sublicense use of said private easements to individual providers of services included in said common services.

20. A process for providing common services to a developed community through a single source provider, which comprises the steps of: entering into a license arrangement with an access entity that owns and controls common services easements on a parcel of real estate to be developed as a community, said license arrangement permitting access to and utilization of said easements; and utilizing said easements for providing common services to said community; wherein owners of lots within said community contract with said single source provider for the provision or coordination of said common services.

21. The process of Claim 20 wherein said access entity has beneficial and exclusive ownership of and control over all access to said common services easements within said developed community.

22. The process of Claim 21 wherein said beneficial and exclusive ownership of and control over said access is created by a process which comprises

the steps of: acquiring fee simple ownership in a parcel of real estate for developing into a community; transferring exclusive rights of common services easements in said parcel to said access entity; and dedicating public rights-of-way on said parcel for roadways, curbs, and sidewalks to a municipality, said dedicated public rights-of-way being taken by said municipality subject to said exclusive rights, whereby said municipality has no control over common services access as a result of said dedicated public rights-of-way, and whereby common services providers having acquired rights through said municipality have no access to said community through said dedicated public rights-of-way.

23. The process of Claim 20 wherein said common services are provided to a plurality of lots in said community over fewer than three cables.

24. The process of Claim 23 wherein said cables are of a type selected from the group of cables consisting of co-axial and fiber optic cables.

25. The process of Claim 20 wherein said license arrangement permits said single source provider to sublicense utilization of said easements to a plurality of individual providers of services included in said common services.

26. The process of Claim 25 wherein at least one of said individual service providers is a wholly owned subsidiary of said single source.

27. The process of Claim 25 wherein said individual providers provide said common services to said single source at a central receiving facility wherefrom

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said single source distributes said common services to a plurality of lots in said community.

28. The process of Claim 20 wherein said common services comprise one or more services selected from the following group of services consisting of: cable services, internet services, intranet services, local telephone services, long distance telephone services, video-on-demand services, and security monitoring services.

29. The process of Claim 20 wherein said common services comprise one or more services selected from a group of deregulated utility services consisting of: sewer services, water services, gas services, and electricity services.

30. The process of Claim 20 wherein said common services comprise advanced bundled services.

31. The process of Claim 20 wherein said common services comprise premium advanced bundled services.

32. The process of Claim 20 wherein said license arrangement is entered into pursuant to obligations arising out of a system of interrelated contractual requirements regarding the development of said community.

33. A method of separating real estate easements from land ownership comprising the steps of: acquiring fee simple title in a parcel of real estate by a developer; separating in gross common services easements from said fee simple title; separating the public right-of-way from said common services easements and said fee simple title; separating all other easements from said common services easements

and from said public right-of-way and from said fee simple title; licensing at least one of said all other easements to a privately owned company for a fee; and dedicating said public right-of-way to the public; whereby said public right-of-way is dedicated subject to said transferred easements to said privately owned company thereby eliminating public control over said licensed easements and all rights to access to said parcel for providing common services.

34. The method of Claim 33 wherein said steps further comprise said privately owned company constructing utility conduits on said parcel in accordance with said easements licensed to said company, said privately owned company sub-licensing service providers for a fee to provide common services to owners of any portion of said parcel, and said privately owned company allowing said sub-licensed common services providers to use said conduits.

35. The method of Claim 33 wherein said common services providers provide one or more common services to owners of portions of said parcel selected from the group of services consisting of cable services, internet services, intranet services, local telephone services, long distance telephone services, video-on-demand services and security monitoring services.

36. The method of Claim 33 wherein said common services providers provide one or more common services to owners of portions of said parcel selected from the group of deregulated utility services consisting of sewer services, water services, gas services, and electricity services.

37. The method of Claim 33 wherein said fee is proportioned and passed on to said private company by said service providers.

38. The method of Claim 37 wherein said fee is proportioned and passed on to the owner of said privately owned company.

39. The method of Claim 38 further comprising the steps of said owner of said privately owned company developing a market plan for selling portions of said parcel by a developer, and said owner engaging in the training of said developer in marketing portions of said parcel.

40. The method of Claim 39 further comprising the steps of said developer contracting the construction of roads, other common infrastructure, homes on individual portions of said parcel, and the construction on said parcel and the development of said parcel.

41. The method of Claim 34 wherein said privately owned company manages all of said sub-licensed service providers.